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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/904,963	07/13/2001	Edward Paul Harhen	TRANS 3.0-038A	5166	
530	7590 12/19/2002				
LERNER, DAVID, LITTENBERG,			EXAMINER		
600 SOUTH	Z & MENTLIK AVENUE WEST		MANTIS MERCA	ADER, ELENI M	
WESTFIEL	D, NJ 07090		ART UNIT	PAPER NUMBER	
			3737		
	٠,		DATE MAILED: 12/19/2002	DATE MAILED: 12/19/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on 13 July 2001. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-10 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. 4) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is/are: a) approved by disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. § 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * C) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application application for the translational Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121. Attachment(s) 1 Notice of Preferences Cited (PTO-882) 3 Notice of Preferences Cited (PTO-143) Paper No(e). 5 Natesti and Tracemak Office			Application No.	Applicant(s)
Eleni Mantis Mercader 3737		Office Action Summer	09/904,963	HARHEN ET AL
— The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. E tendenion of time may be switch under the provisions of 3 CRF 1.136(a). In no overtl, however, may a ruply be timely filed after SIX (b) MONTH'S from the mailing date of this communication, rughy within the statisticy within the statistic withi		Office Action Summary	Examiner	Art Unit
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 3C PR 1.38(a). In no ovent, however, may a reply be limsly flied offer SX (6) MONTHS from the mailing date of this communication. If the protod or may specified provision is less then think (70) days, a reply within the statistical principles of the control offer six (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statule, cause the application to become ABANDONED (SEU SC. § 133). Any reply received by the Office bett than these meaning that of the think the provision of the communication, even if timely flied, may reduce any examine plants them as placed to the communication, even if timely flied, may reduce any examine plants them as placed to the communication, even if timely flied, may reduce any examine plants them as placed to the communication, even if timely flied, may reduce any examine plants them as placed to the communication, even if timely flied, may reduce any examine plants them as placed to the communication, even if timely flied, may reduce any examine plants them as placed to the communication of allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)			ears on the cover sheet with the c	correspondence address
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Application/Control Number: 09/904,963

Art Unit: 3737

DETAILED ACTION

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- Regarding claims 1-10, the phrase "generally" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

- 4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
 - A person shall be entitled to a patent unless -
 - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 1-3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujio et al. '988.

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Fujio et al.'988 teaches the use of a probe adapted for insertion into the area of interest of a patient wherein there is a proximal and a distal-end and at the-distal end there is a lens in an inflated condition, which is used to focus the ultrasonic transducer's energy into the tissue of the subject (see Figures 95A-C and also read in col. 62, lines 38-60).

Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35-U:S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 4-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujio et al. '988.

Fujio et al.'988 teach the use of a balloon catheter to secure the catheter in the patient's anatomical cavity and having an ultrasonic transducer at the distal end of catheter for delivering focused ultrasound energy at the area of interest (see Figure 1 and col. 9, lines 10-67; col.'s 10-14, lines 1-67; and col. 15, lines 1-53). Fujio et al.'988 further teach alternative embodiments for moving the focusing beam in order to treat at the area of interest (see for example Figure 82-83, Figure 89-90).

Fujio et al.'988 do not show in a single embodiment with the combination of the inflated lens at the distal-end of the probe in addition to a balloon, which is mainly used to stabilize the probe at the area of interest.

It would have been obvious to one skilled in the art at the time that the invention was made to have modified Fujio et al.'988 and specifically have used the inflated lens at the distal

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end instead of the alternative focusing ultrasonic mechanisms as indicated in the balloon probe (replacing the focusing mechanisms of Figures 82-83 or 89-90), as an alternative functional equivalent of achieving different focusing at the area of interest in a cavity secured balloon catheter.

Conclusion

8— The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fjield et al.'512 teach thermal, treatment methods and apparatus with focused energy application.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni Mantis Mercader whose telephone number is 703 308-0899. The examiner can normally be reached on Mon. - Fri., 8:00 a.m.-6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on 703 308-3256. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3590 for regular communications and 703 308-0758 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0858.

EMM

December 15, 2002

Marvin M. Lateet
Supervisory Patent Examiner
Group 3700

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